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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,904	02/25/2002	Hassan Awad	AWA	9400

7590 03/10/2004
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120 Eagle Rock Avenue
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East Hanover, NJ 07936

EXAMINER

FOSTER, JIMMY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,904

Applicant(s)

AWAD, HASSAN

Examiner

Jimmy G Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 15-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1) Claims 5 and 15-18 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected species of the invention, the requirement having been traversed in Paper No. 5. With respect species-type restriction, additional burden is inherent because the inventions are independent (are to mutually exclusive embodiments), and does not have to be demonstrated with respect to the different classification or different field of search, as with a restriction of related inventions (e.g. method/product, method/apparatus, intermediate product/final product etc.) which would not be independent.

With respect to the various embodiments of Applicant, there is no indication from the art that they would be unpatentable over each other if claimed in separate patents, and Applicant has failed to admit on the record that they are not patentably distinct.

Moreover, claim 19 is not generic to claims 5 and 15-18.

Accordingly, the restriction made in the last Office action is proper and is maintained.

2) Claim 19 is allowable.

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4) Claims 1-4, 6, 8 and 11-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stockton (1,614,265). In the reference of Stockton there is provided a holder, including a receptacle defined by the combination of panel portions 17,21,30,31, a shelf defined at panel portion 18, and a back panel defined by panel portion 19. The shelf may be reasonably said to extend back from the front of the opening since the opening is defined by front face/panel portion 21 and rear face/panel portion 17.

The holder also includes a hollow body defined by the constructed configuration of panel portions 17-20 (see Figs. 1 and 2). A front wall is provided at 21 which extends upwardly and outwardly from the hollow body, as indicated in Figures 1 and 2. One of the sides/faces 19 of the hollow body is made with a gentle slope backward so as to make the holder of Stockton more stable.

The panel portion/side 17 of the hollow body is shown in Figure 2 to be substantially vertical. In addition, the panel portion 17 includes slits at 22 and 25 which accept lateral extensions 11. As shown in Figure 2, the portion of the panel portion 17 which is adjacent the slit 25 will define a face of the hollow body and will be slanted inwardly (toward panel 21) from the top end of the slit. Also, there will be an inherent slanting of said face from the bottom end of the slit when the slit accepts said lateral extension. From this it is asserted by the examiner that said face will be slanted and slightly overhang the bottom margin of the front panel 21.

The receptacle is inherently capable of holding razor blades of an appropriate size smaller than the receptacle.

5) Claim 1, 6-8 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Press (1,019,275). In the reference of Press there is provided a receptacle defined by the bottom flap 4, the side flaps 5 and the

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top flap 6. There is also provided a back panel at back 2. The bottom flap defines a front face, and the top flap defines a rear face.

In addition, the examiner asserts that it is apparent that the top folds 10 of the group of top flaps define together a shelf, to the extent in which Applicant has claimed.

As shown in Figure 1, the rear face 6 of the opening of the receptacle includes a reminder message, apparently about a date "Dec. 8/10." In addition, the back panel includes a commercial message (about a church).

The receptacle is inherently capable of holding razor blades of an appropriate size smaller than the receptacle.

6) Claim 1, 2, 6, 8, 9 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Haswell (4,307,809). In the reference of Haswell there is provided a back panel at 18 and a tilted receptacle at compartment 16 or 17. The back panel includes adhesive backing (col. 4, lines 21-23). The embodiment in Figure 4, also includes a shelf defined by portion 56. This extends from the opening of the tilted receptacle/pocket 61 and may be said to extend from the rear face of the opening, which is defined by the front edge of the surface 56. The embodiment of Figure 4 includes a back panel at flange 50.

The receptacle is inherently capable of holding razor blades of an appropriate size smaller than the receptacle.

7) Claim 1, 6, 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Woolnough et al (6,092,673). In the reference of Woolnough there is provided a receptacle defined by elements 13, 17, 19 and 20, and there is provided a back panel defined by element 36. The back panel includes fastening holes at 37,38.

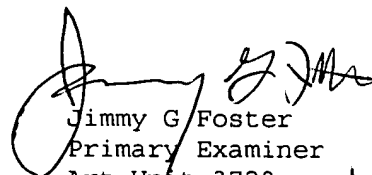
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The receptacle is inherently capable of holding razor blades of an appropriate size smaller than the receptacle.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy G Foster whose telephone number is (703) 308-1505. The examiner can normally be reached on Mon-Fri, 8:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Jimmy G Foster
Primary Examiner
Art Unit 3728
3/4/04

JGF
4 March 2004